

HB1551



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1551

Introduced 2/6/2015, by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.1B

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning failure to report sexual abuse of a child.

LRB099 08804 RLC 28975 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 11-9.1B as follows:

6 (720 ILCS 5/11-9.1B)

7 Sec. 11-9.1B. Failure to report sexual abuse of a child.

8 (a) For the purposes of this ~~this~~ Section:

9 "Child" means any person under the age of 13.

10 "Sexual abuse" means any contact, however slight, between
11 the sex organ or anus of the victim or the accused and an
12 object or body part, including, but not limited to, the sex
13 organ, mouth, or anus of the victim or the accused, or any
14 intrusion, however slight, of any part of the body of the
15 victim or the accused or of any animal or object into the sex
16 organ or anus of the victim or the accused, including, but not
17 limited to, cunnilingus, fellatio, or anal penetration.
18 Evidence of emission of semen is not required to prove sexual
19 abuse.

20 (b) A person over the age of 18 commits failure to report
21 sexual abuse of a child when he or she personally observes
22 sexual abuse, as defined by this Section, between a person who
23 he or she knows is over the age of 18 and a person he or she

1 knows is a child, and knowingly fails to report the sexual
2 abuse to law enforcement.

3 (c) This Section does not apply to a person who makes
4 timely and reasonable efforts to stop the sexual abuse by
5 reporting the sexual abuse in conformance with the Abused and
6 Neglected Child Reporting Act or by reporting the sexual abuse
7 or causing a report to be made, to medical or law enforcement
8 authorities or anyone who is a mandated reporter under Section
9 4 of the Abused and Neglected Child Reporting Act.

10 (d) A person may not be charged with the offense of failure
11 to report sexual abuse of a child under this Section until the
12 person who committed the offense is charged with criminal
13 sexual assault, aggravated criminal sexual assault, predatory
14 criminal sexual assault of a child, criminal sexual abuse, or
15 aggravated criminal sexual abuse.

16 (e) It is an affirmative defense to a charge of failure to
17 report sexual abuse of a child under this Section that the
18 person who personally observed the sexual abuse had a
19 reasonable apprehension that timely action to stop the abuse
20 would result in the imminent infliction of death, great bodily
21 harm, permanent disfigurement, or permanent disability to that
22 person or another in retaliation for reporting.

23 (f) Sentence. A person who commits failure to report sexual
24 abuse of a child is guilty of a Class A misdemeanor for the
25 first violation and a Class 4 felony for a second or subsequent
26 violation.

1 (g) Nothing in this Section shall be construed to allow
2 prosecution of a person who personally observes the act of
3 sexual abuse and assists with an investigation and any
4 subsequent prosecution of the offender.

5 (Source: P.A. 98-370, eff. 1-1-14; 98-756, eff. 7-16-14.)